



General Assembly

February Session, 2002

Amendment

LCO No. 3962

HB0553903962HR0

Offered by:

REP. PISCOPO, 76th Dist.

To: Subst. House Bill No. 5539

File No. 291

Cal. No. 176

(As Amended)

**"AN ACT CONCERNING MERCURY EDUCATION AND
REDUCTION."**

1 Strike section 1 in its entirety and insert the following in lieu thereof:

2 "Section 1. (NEW) (*Effective July 1, 2002*) The General Assembly finds
3 that mercury is a persistent and toxic pollutant that bioaccumulates in
4 the environment, and that in order to create and maintain a healthful
5 environment and protect public health, there should be a substantial
6 reduction of mercury discharges into the environment."

7 Strike subdivision (2) of section 2 and insert the following in lieu
8 thereof:

9 "(2) "Mercury-added product" means a product, commodity,
10 chemical or component of a product to which mercury or a mercury
11 chemical or component of a product that contains in excess of ten
12 milligrams of mercury or mercury compounds in the case of a

13 fabricated mercury-added product or ten parts per million of mercury
14 or a mercury compound in the case of a formulated mercury-added
15 product that is intentionally added in order to provide a specific
16 characteristic, appearance, or quality, to perform a specific function or
17 for any reason. "Mercury-added product" includes, but is not limited
18 to, formulated mercury-added products and fabricated mercury-added
19 products. "Mercury-added product" does not include any packaging
20 component, as defined in subdivision (3) of section 22a-255h of the
21 general statutes;"

22 Strike section 3 in its entirety and insert the following in lieu thereof:

23 "Sec. 3. (NEW) (*Effective July 1, 2002*) The commissioner shall
24 participate in the establishment and implementation of a regional,
25 multi-state clearinghouse to assist in carrying out the requirements set
26 forth in sections 1 to 12, inclusive, of this act and to help coordinate
27 reviews of the manufacturers' notifications regarding mercury-added
28 products, applications for phase-out exemptions, collection system
29 plans, disclosures of mercury content, applications for alternative
30 labeling or notification systems or both, education and outreach
31 activities, and any other functions related to sections 1 to 12, inclusive,
32 of this act."

33 Strike subsection (a) of section 4 and insert the following in lieu
34 thereof:

35 "(a) On and after January 1, 2003, no person shall offer any mercury-
36 added product for sale or use by any means, including e-commerce, or
37 distribute for promotional purposes in this state unless the
38 manufacturer or its industry trade group gives prior notification in
39 writing to the commissioner or the regional, multi-state clearinghouse
40 described in section 3 of this act as provided in this section. Such
41 notification, in a form prescribed by the commissioner, shall at a
42 minimum include (1) a brief description of the product or category of
43 products to be offered for sale or use or distributed; (2) the average
44 amount of and purpose for mercury in a product or product category;

45 and (3) the name and address of the manufacturer and the name,
46 address and phone number of a contact person at the manufacturer.
47 The manufacturer or its industry trade group shall revise the
48 information in the notification whenever there is significant change in
49 the information or when requested by the commissioner."

50 Strike subsection (c) of section 4 and insert the following in lieu
51 thereof:

52 "(c) The manufacturer or its industry trade group may supply the
53 information required in subdivisions (1) to (3), inclusive, of subsection
54 (a) of this section for a product category rather than an individual
55 product. For purposes of this subsection, a product category means
56 products that are similar, have the same consumer or commercial use
57 and have the same purpose for containing the mercury. A product
58 category shall not be limited by the amount of mercury in individual
59 products."

60 Strike sections 6 and 7 in their entirety and renumber the remaining
61 sections and internal references accordingly

62 Strike subsection (e) of section 8 in its entirety and renumber the
63 remaining subsections accordingly

64 Strike subdivisions (4) and (5) of subsection (g) of section 8 in their
65 entirety and insert the following in lieu thereof:

66 "(4) the provision of this section shall not apply to mercury-added
67 lamps, mercury-added button cell batteries, and products whose only
68 component is a mercury-added lamp or a mercury-added button cell
69 battery."

70 Strike subsection (h) of section 8 and insert the following in lieu
71 thereof:

72 "(h) A manufacturer may apply to the commissioner for an
73 alternative to the requirements of subsections (a) to (g), inclusive, of
74 this section if: (1) Compliance with the requirements is not feasible; (2)

75 the proposed alternative would be at least as effective in providing
76 presale notification of mercury content and in providing instructions
77 on proper disposal; or (3) federal law preempts state authority over
78 labeling.

79 (i) In carrying out the requirements of this act, the commissioner
80 shall strive for consistency with mercury labeling programs in other
81 states. Notwithstanding the provisions of this section, the
82 manufacturer of a mercury-added product may meet the requirements
83 of this section by demonstrating compliance with the requirements for
84 labeling of mercury-added products approved by another state.

85 (j) (1) A person who sells mercury-added lamps to the owner or
86 operator of an industrial, commercial or office building or to any
87 person who replaces or removes from service outdoor lamps that
88 contain mercury shall clearly inform the purchaser, in writing, on the
89 invoice for the lamps or in a separate document that the lamps contain
90 mercury, a hazardous substance that is regulated by federal and state
91 law, and that they may not be disposed of as solid waste. Retail
92 establishments that incidentally sell mercury-added lamps to such
93 purchasers are exempt from this subdivision.

94 (2) A person who contracts with the owner or operator of an
95 industrial, commercial or office building or with a person responsible
96 for outdoor lighting to remove from service mercury-added lamps
97 shall clearly inform the person for who the work is being done, in
98 writing, that the lamps being removed from service contain mercury
99 and inform such person of the contractor's arrangements for the
100 management of the mercury in the removed lamps."

101 Strike section 9 in its entirety and renumber the remaining sections
102 and internal references accordingly

103 Strike section 10 and insert the following in lieu thereof:

104 "Sec. 10. (NEW) (*Effective July 1, 2002*) No person shall offer for sale
105 or use by any means, including e-commerce, or distribute for

106 promotional purposes or provide elemental mercury, except for
107 manufacturing or recycling or disposal purposes, without providing a
108 Material Safety Data Sheet, as defined in 42 USC 11049. On and after
109 July 1, 2003, the seller, distributor or provider shall require the
110 purchaser or recipient at the time of receipt of any elemental mercury
111 to sign a statement that the purchaser or recipient (1) will use the
112 mercury only for medical, dental amalgam dispose-caps, or research
113 purposes; (2) understands that mercury is toxic and that the purchaser
114 will store and use it appropriately so that no person is exposed to the
115 mercury; and (3) will not place or allow anyone under the control of
116 the purchaser or recipient to cause the mercury to become solid waste
117 or be discharged into waters of the state or be disposed of in a
118 pollution abatement facility or subsurface sewage disposal system."